

State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the product was a drug and that it was adulterated in violation of the so-called Food and Drugs Act in that it consisted in part of commercial glucose and added water.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the name of, another article, to wit, glycerin, whereas, in truth and in fact, it was not glycerin.

On September 30, 1918, Harold A. Forbes, trading as H. J. Forbes & Co., New York, N. Y., filed a claim for the product, and on June 3, 1920, entered a stipulation agreeing that the product might be condemned unless said claimant should file a bond within 60 days from the date of such stipulation. On January 31, 1921, the claimant having failed to file such bond, judgment by default was entered, and it was ordered by the court that the product be condemned and forfeited to the United States, and it was further ordered that it be sold at public auction by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9243. Adulteration of ginger ale and root beer. U. S. \* \* \* v. 224 Cases \* \* \* of Ginger Ale and 202 Cases \* \* \* of Root Beer. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14125. I. S. Nos. 4140-t, 4141-t. S. No. C-2650.)

On December 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 224 cases, each containing 12 bottles, more or less, of ginger ale, and 202 cases, each containing 12 bottles, more or less, of root beer, at Chicago, Ill., alleging that the article had been shipped by the Almanaris Mineral Spring Co., Waukesha, Wis., on August 14, 1920, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, "Montclair Brand Waukesha Ginger Ale" (or "Root Beer").

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, saccharin, had been mixed and packed with said articles so as to lower, reduce, and injuriously affect their quality and strength, for the further reason that saccharin had been mixed and packed therewith in a manner whereby damage and inferiority were concealed, and for the further reason that the articles contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render them injurious to health.

On January 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9244. Misbranding of Castalian natural mineral water. U. S. \* \* \* v. 10½ Dozen Bottles of \* \* \* Castalian Natural Mineral Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14127. I. S. No. 6475-t. S. No. E-3024.)

On January 3, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10½ dozen bottles of Castalian natural mineral water, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. P. Forbes & Co., Santa Cruz,

Calif., on or about September 11, 1920, and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Shipping package) "Two doz. Castalian Natural Mineral Water, recommended for kidney troubles, rheumatism and dyspepsia, J. P. Forbes and Company, Props., Chicago, Ill., Santa Cruz, California;" (bottle label) "\* \* \* Rheumatism, Dyspepsia, Skin Diseases, Stomach Troubles and to Purify the blood, \* \* \* Kidney Complaints, Gravel and all other Urinary Troubles, \* \* \* Sore Throat;" (wrapper) "\* \* \* Kidney and Stomach Disorders Catarrh and Impure Blood;" (circular) "Bright's Disease and other Kidney and Urinary troubles, Rheumatism, Dyspepsia, Indigestion, Bilioussness and other stomach disorders, Catarrh, Scrofula, Quinsy, Tonsillitis, Diphtheria, Sore Throat from colds, Hay Fever, Chills and Fever, Varicose Veins, Diarrhoea, Inflammation, internal or external; Ulcerations, Leucorrhoea, Boils, Eczema, Salt Rheum and other skin diseases, Blood Poisoning, Poison Oak or Ivy, Sprains, Bruises, Burns and Cuts, Inflammatory Rheumatism, Lumbago, \* \* \* Ulcers, Piles, Fever Sores, Abscesses, \* \* \* Pleurisy, Erysipelas, \* \* \* Gout, La Grippe, \* \* \* Granulated Eyelids. \* \* \* Cold in the Head \* \* \* Sick Headache, \* \* \* Torpid Liver, \* \* \* Sea Sickness, Cramps of the Stomach \* \* \* Retention of Urine, Diabetes, Private Diseases. \* \* \* Bronchitis, \* \* \* Scalds, \* \* \* Sun Burn. \* \* \* Cramps, Colic, Rash or Hives, \* \* \* Catarrh of the Head, Stomach or Bladder, \* \* \* Inflammation of the Womb \* \* \* Suppressed, Profuse or Painful Menstruations;" (testimonials) "\* \* \* tumor in \* \* \* kidneys \* \* \* goitre \* \* \* tropical dysentery \* \* \* stomach and kindred troubles \* \* \* mangled sprain of the ankle. \* \* \* inflammation of prostate gland. \* \* \* chills and fever and malaria, \* \* \* cutaneous affection \* \* \* catarrh \* \* \* sight \* \* \* impaired \* \* \* hearing \* \* \* taste or smell, the membrane and bone between my nostrils eaten out, and my lungs and throat in bad shape. \* \* \* Locomotor Ataxia \* \* \* bad sores that threatened blood poisoning \* \* \* prevented \* \* \* varicose ulcer \* \* \* tumor \* \* \* urinary, bladder and kidney trouble \* \* \* impoverished blood, \* \* \* 'Impetigo Abscesses,' \* \* \* ulcers in my stomach, \* \* \* blood cleansers \* \* \* all forms of stomach and liver ailments \* \* \* kidney troubles \* \* \* dysmenorrhea, \* \* \* sore throat that caused deafness. \* \* \* female and other troubles. \* \* \* sciatic rheumatism. \* \* \* pimples on face. \* \* \* lead poisoning and rheumatism, \* \* \* asthma. \* \* \* malaria poison."

Misbranding of the article considered as a drug was alleged in the libel for the reason that the above-quoted statements, appearing on the shipping packages, bottle labels, wrappers, and in the circulars and testimonials packed with said product, regarding the curative and therapeutic effects of said article, were false and fraudulent in that the article did not contain any ingredients or combination of ingredients capable of producing the effects claimed for it. Misbranding of the article considered as a food was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*